

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE GOVERNMENT OF THE KINGDOM OF CAMBODIA
CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS
ON KHMER ARCHAEOLOGICAL MATERIAL**

The Government of the United States of America and the Government of the Kingdom of Cambodia;

Acting pursuant to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, to which both countries are States Party; and

Desiring to reduce the incentive for pillage of certain categories of irreplaceable archaeological material representing the Khmer culture of Cambodia from approximately the 6th century through the 16th century A.D., and including objects comprised of stone, metal (mainly gold, silver, and bronze), and ceramic;

Have agreed as follows:

ARTICLE I

- A. The Government of the United States of America, in accordance with its legislation entitled the Convention on Cultural Property Implementation Act, shall restrict the importation into the United States of certain categories of Khmer archaeological material, identified on a list to be promulgated by the United States Government (hereinafter known as the "Designated List"), unless the Government of the Kingdom of Cambodia issues a certification or other documentation which certifies that such exportation was not in violation of its laws.
- B. The Government of the United States of America shall offer for return to the Government of the Kingdom of Cambodia any material on the Designated List forfeited to the Government of the United States of America.
- C. Such import restrictions shall become effective on the date the Designated List is published in the *U.S. Federal Register*, the official United States Government publication providing fair public notice. Emergency import restrictions covering Khmer stone sculpture, first promulgated by regulation on December 2, 1999, shall remain in effect.

ARTICLE II

- A. The Government of the Kingdom of Cambodia shall use its best efforts to permit the exchange of its archaeological material under circumstances in which such exchange does not jeopardize its cultural patrimony but allows public access for educational, cultural and scientific purposes and study abroad.
- B. Representatives of the Government of the United States of America shall participate in joint efforts with representatives of the Government of the Kingdom of Cambodia to publicize this Memorandum of Understanding and the reasons for it.
- C. The Government of the United States of America shall use its best efforts to facilitate technical assistance in cultural resource management and security to the Government of the Kingdom of Cambodia, as appropriate under existing programs in the public and/or private sectors.

- D. Both Governments shall seek to encourage academic institutions, non-governmental institutions, and other private organizations to cooperate in the interchange of knowledge and information about the cultural patrimony of the Kingdom of Cambodia, and to collaborate in the preservation and protection of such cultural patrimony through appropriate technical assistance, training and resources.
- E. The Government of the Kingdom of Cambodia shall seek to develop and promote professional training programs for archaeologists and museum staff and public institution administrators responsible for cultural patrimony, and to enhance the capabilities of the National Museum of Cambodia to care for and exhibit aspects of its rich cultural heritage.
- F. The Government of the Kingdom of Cambodia shall continue to use its best efforts to implement a comprehensive management plan for Angkor and to develop a prioritized management plan for sites and monuments outside of Angkor focusing on sustainable development.
- G. The Government of the Kingdom of Cambodia shall use its best efforts to develop educational programs among local populations throughout the country as part of an overall effort toward sustainable strategies for protecting cultural resources.
- H. The Government of the Kingdom of Cambodia shall use its best efforts in restricting the activities of antiquities dealers and collectors within its borders, in making export controls more effective, and in seeking the cooperation of other importing countries in curbing illicit trade in cultural artifacts originating in Cambodia.
- I. The Government of the Kingdom of Cambodia shall use its best efforts to address issues of corruption that undermine efforts to protect and develop Cambodian cultural patrimony in a sustainable fashion.
- J. In order for United States import restrictions to be maximally successful in thwarting pillage, the Government of the Kingdom of Cambodia shall endeavor to strengthen regional cooperation, especially with immediately neighboring states, for the protection of the cultural patrimony of the region, recognizing that often, present-day political boundaries and cultural boundaries do not coincide.

ARTICLE III

The obligations of both Governments and the activities carried out under this Memorandum of Understanding shall be subject to the laws and regulations of each Government, as applicable, including the availability of funds.

ARTICLE IV

- A. This Memorandum of Understanding shall enter into force upon signature. It shall remain in force for a period of five years.
- B. This Memorandum of Understanding may be amended or extended through an exchange of diplomatic notes.
- C. The effectiveness of this Memorandum of Understanding shall be subject to review in order to determine, before the expiration of the five-year period of this Memorandum of Understanding, whether it should be extended.
- D. Once published in the *Federal Register*, the Designated List referred to in Article I A shall supersede that published on December 2, 1999.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present Memorandum of Understanding.

DONE at Phnom Penh, in duplicate, this 19th day of September, 2003, in the English and Khmer languages, both texts being equally authentic. In the case of any difference in interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA:

Charles A. Ray
U.S. Ambassador to Cambodia

FOR THE GOVERNMENT OF
THE KINGDOM OF CAMBODIA:

Her Royal Highness
Princess Norodom Bopha Devi